

**RESOLUTION TO REAFFIRM SUPPORT FOR EQUAL ACCESS TO EDUCATION FOR ALL CHILDREN AND  
FAMILIES REGARDLESS OF IMMIGRATION STATUS**

**FREMONT UNION HIGH SCHOOL DISTRICT BOARD OF TRUSTEES  
RESOLUTION NO. 2425-15**

**WHEREAS**, the U.S. Supreme Court held, in *Plyler v. Doe*, 457 U.S. 202 (1982), that local school districts have a constitutional mandate to educate all students residing within their jurisdictional boundaries, regardless of their immigration status; and

**WHEREAS**, California law affords all persons in public schools equal rights and opportunities at educational institutions, regardless of their nationality, immigration status, race or ethnicity, religion, ancestry, disability, age, gender, sexual orientation, gender identity, transgender status, marital status, pregnancy status, or veteran status (Ed Code 200); and

**WHEREAS**, California law prohibits schools that receive state financial assistance from discriminating on the basis of immigration status in any program or activity, including, but not limited to, free and reduced breakfast and lunch, transportation, extracurricular activities, athletics, awards, institutional scholarships, and educational instruction (Ed Code 220); and

**WHEREAS**, the Family Educational Rights and Privacy Act (FERPA) and Administrative Regulation 5145.13 prohibit disclosure of personally identifiable student information to immigration enforcement authorities without the consent of a parent or guardian, a court order, or judicial subpoena; and

**WHEREAS**, California law and Board Policy 5145.13 prohibit schools from collecting or maintaining documents that may be related to immigration status including, but not limited to, passports, visas, and social security numbers, as they are not needed by school districts and place student privacy at an unnecessary risk (Ed Code 234.7); and

**WHEREAS**, Board Policy and Administrative Regulation 5145.13, in alignment with the model policy developed by the California Attorney General<sup>1</sup>, prohibits school administrators from granting immigration enforcement officials immediate access to a school campus, or providing assistance with immigration enforcement, absent exigent circumstances or presentation of a federal judicial warrant; and

**WHEREAS**, California law and Board Policies 5131.2 and 5145.9 guarantee all students the right to attend school free of bullying, fear, intimidation, and discrimination (Ed Code 234.1); and

**WHEREAS**, the Fremont Union High School District Board of Trustees recognizes that, in order for students to have the capacity for learning and academic achievement, students and families must feel safe attending, sharing information, participating in activities, and traveling to and from school; and

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<sup>1</sup> <https://oag.ca.gov/sites/all/files/agweb/pdfs/bcj/school-guidance-model-k12.pdf>

**WHEREAS**, the FUHSD Board of Trustees is committed to providing a safe, secure, and positive climate for learning in which all students and their families feel welcome; now

**THEREFORE, BE IT RESOLVED**, that the FUHSD Board of Trustees reaffirms its commitment to protect equal access to education for all students, regardless of immigration status, and to promote inclusiveness, kindness, and respect for all students, families, and staff; and

**BE IT FURTHER RESOLVED**, that all FUHSD schools and programs are considered a safe haven for students and their families to the fullest extent allowed by law and in accordance with Board Policies and Administrative Regulations; and

**BE IT FURTHER RESOLVED**, we reaffirm the authority of the Superintendent of Schools to protect the data and identities of students, their families, and personnel to the fullest extent provided by the law and in accordance with Board Policies and Administrative Regulations; and

**BE IT FURTHER RESOLVED**, that FUHSD personnel are encouraged to support students and families who express concern about immigration enforcement actions at school, including students who may not be attending school because of such concerns, through referrals to online and community-based legal services organizations that provide resources for immigrant families.

**PASSED AND ADOPTED** by the FUHSD Board of Trustees at a meeting held on January 14, 2025, by the following vote:

AYES: 5  
NOES: 0  
ABSTAIN: 0  
ABSENT: 0



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Naomi Nakano-Matsumoto  
Board President



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Graham Clark  
Superintendent of Schools